

# **EXHIBIT A**

## Chiricosta, Matthew

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**From:** Favret, John A. <John.Favret@tuckerellis.com>  
**Sent:** Wednesday, December 14, 2022 8:52 AM  
**To:** Chiricosta, Matthew; Berckmueller, Fritz  
**Cc:** McCaffrey, John F.; David Mitchell; Kevin Sciarani  
**Subject:** In Re FirstEnergy Corp. Sec. Litigation / Partners for Progress

Fritz and Matt:

We received your production on December 7, 2022. Thank you.

The cover letter doesn't identify the content of the supplemental production and so on behalf of Mr. Dowling and plaintiffs, we are sending this e-mail to get confirmation and clarification in order to be able to continue to proceed in accordance with Magistrate Judge Jolson's Order (Doc. 378).

Please confirm that this production does not contain a supplemental privilege log as Ordered. Presumably, you are not producing it solely for the reasons outlined in PFP's Partial Objection (Doc. 388) to the Order. If that presumption is not accurate, please advise otherwise.

Further, please clarify PFP's search and what this supplemental production contains, including:

- Did PFP search for responsive documents from Scott Davis?
- Did PFP search for responsive documents from McKenzie Davis?
- Did PFP search for responsive documents from Dan McCarthy?
- Did PFP search for responsive documents from Calfee custodians (other than M. VanBuren) (for example, other lawyers who did worked on PFP matters)?
- For the documents obtained/produced by PFP on 12/7, please specify where these came from, including please specify the custodian(s) searched (for example, Scott Davis), the source(s) searched from (for example, email account of Scott Davis), the time period applied to the search(es), the search terms used if any, and any criteria used to determine a document was non-responsive.

We look forward to a response to this inquiry by no later than close of business Thursday, 12/15 so that the parties can continue to work towards resolution and/or narrowing of this discovery dispute and also ensure that we stay in compliance with the deadlines set by the Order. We note that under the Local Civil Rules the magistrate's "ruling remains in full force and effect" unless expressly stayed or overruled by the district judge. S.D. Ohio Civ. L.R. 72.3.

Our initial concerns are that PFP has not produced a supplemental privilege log, PFP has not produced unredacted Calfee invoices (for the relevant information which PFP is not claiming privilege), it appears PFP did not search/obtain documents from D. McCarthy, and it appears that PFP did not search/obtain documents from other Calfee custodians/lawyers (other than M. VanBuren) that did work on PFP matters. We will need confirmation/clarification from the information requested above to be able to completely and fully raise our concerns to PFP in accordance with the Order.

We continue to be open/available for discussion and questions on any of the above and are generally available this week for a call.

Regards,

**John Favret**

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